

R. 75-113

RESOLUTION NO. 211189 JUL 25 1974

WHEREAS, a petition for writ of mandate was filed on July 26, 1973 by Mr. A. P. Winter against The City of San Diego (Superior Court No. 344920), alleging noncompliance by lessee, Northwest Y.M.C.A., with the terms of its lease with The City of San Diego of the property located at 8355 Cliffridge Avenue (Document No. 668546) and seeking to compel the City to enforce the terms of said lease; and

WHEREAS, on April 2, 1974 the Superior Court after hearing the evidence at the hearing of the writ of mandate ruled that tennis courts had been constructed by lessee Northwest Y.M.C.A. in an area designated for parking on the approved Master Plan, thereby not complying with said Master Plan; and

WHEREAS, the Superior Court issued a writ of mandate directing the City Manager to bring such matter before the City Council for its consideration as to whether the tennis courts may remain as constructed; NOW, THEREFORE,

BE IT RESOLVED by the Council of The City of San Diego, as follows:

The tennis courts in the Southeast portion of the leased premises are in substantial compliance with the lease provisions and may remain as shown on the revised

Master Plan for Phase I of development, a copy of which is
on file as Document No. 748134 in the office of
the City Clerk.

APPROVED: JOHN W. WITT, City Attorney

By 
C. Alan Sumption, Deputy

CAS:cs
7-12-74

Passed and adopted by the Council of The City of San Diego on JUL 25 1974,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Patricia Polen, Deputy.

RECEIVED
 OFFICE
 1974 JUL 17 AM 2:11
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 211189 Adopted JUL 25 1974
E.L.